




DOCKET NO.: C0989.70049US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Zhao et al.  
Serial No.: 10/773,084  
Confirmation No.: 3297  
Filed: February 5, 2004  
For: METHODS AND APPARATI USING SINGLE POLYMER ANALYSIS  
Examiner: Ethan C. Whisenant  
Art Unit: 1634

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 11<sup>th</sup> day of July, 2005.

  
Emily E. Zukauskas

MAIL STOP AMENDMENT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$180 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,  
*Zhao et al., Applicant*

By:



Maria A. Trevisan, Reg. No.: 48,207  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: C0989.70049US01  
Date: July 11, 2005  
x07/14/05x



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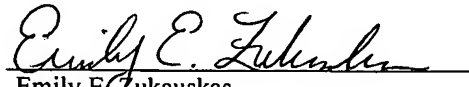
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Emily E. Zukauskas

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**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed.

**PART II: Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
**C0989.70014US00	09/373,702	August 13, 1999	Chan
*C0989.70059US01	10/974,002	October 25, 2004	Larson
*C0989.70062US01	10/984,191	November 8, 2004	Maletta et al.
*C0989.70064US01	11/035,417	January 13, 2005	Gilmanshin
*C0989.70065US01	11/053738	February 7, 2005	Rooke et al.
*C0989.70068US01	11/087,095	March 21, 2005	Nalefski et al.

\*a copy of this reference is not provided as the Office hereby waives the requirement under 37 CFR 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application filed after June 30, 2003 and for applications filed before June 30, 2003, or that entered the national stage before June 30, 2003, if they are scanned to Image File Wrapper system and are available on Private PAIR.

\*\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 10/448,264, filed May 28, 2003, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

The Applicant would like to bring to the Examiner's attention the enclosed search reports or other communication from a corresponding International or Foreign National Application.

<u>Docket No.</u>	<u>Serial No.</u>	<u>Mailing Date</u>	<u>Type of Communication(s)</u>
**C0989.70086WO00 PCT/US05/03659		June 14, 2005	International Search Report
**C0989.70086WO00 PCT/US05/03659		June 14, 2005	Written Opinion
**C0989.70049WO00 PCT/US03/16902		November 23, 2003	International Search Report

\*\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 10/448,264, filed May 28, 2003, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

### PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,



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Maria A. Trevisan, Reg. No. 48,207  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: C0989.70049US01  
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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

APPLICATION NO.: 10/773,084

ATTY. DOCKET NO.: C0989.70049US01

FILING DATE: February 5, 2004

CONFIRMATION NO.: 3297

APPLICANT: Zhao et al.

GROUP ART UNIT: 1634

EXAMINER: Ethan C. Whisenant

Sheet

of

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## U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		5,612,181		Fourmentin-Guilbert	03-18-1997
		6,090,552		Nazarenko et al.	07-18-2000
		6,106,476		Tyagi et al.	08-15-2000
		6,673,536	B1	Stoughton et al.	01-06-2004
		2002-0039737	A1	Chan et al.	04-04-2002
		2002-0110818	A1	Chan	08-15-2002
		2002-0119455	A1	Chan	08-29-2002
		2002-0187508	A1	Wong	12-12-2002
		2002-0197639	A1	Shia et al.	12-26-2002
		2003-0059822	A1	Chan et al.	03-27-2003
		2003-0215864	A1	Gilmanshin et al.	11-20-2003
		2003-0235854	A1	Chan	12-25-2003
		2004-0009612	A1	Zhao et al.	01-15-2004
		2004-0053399	A1	Gilmanshin	03-18-2004
		2004-0166025	A1	Chan et al.	08-26-2004
		2004-0214211	A1	Gilmanshin et al.	10-28-2004
		2004-0235014	A1	Nadel et al.	11-25-2004
		2005-0042665	A1	Gilmanshin	02-24-2005
		2005-0112595	A1	Zhao et al.	05-26-2005
		2005-0112606	A1	Fuchs et al.	05-26-2005
		2005-0112620	A1	Chan	05-26-2005
		2005-0112671	A1	Maletta et al	05-26-2005
		2005-0123944	A1	Neely et al.	06-09-2005
		2005-0123974	A1	Gilmanshin et al.	06-09-2005

## FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	**	WO	98/35012	A2	U.S. Genomics, Inc.	08-13-1998	
	**	WO	00/09757	A1	U.S. Genomics, Inc.	02-24-2000	
	**	WO	01/13088	A1	U.S. Genomics, Inc.	02-22-2001	
	**	WO	02/099398	A1	U.S. Genomics, Inc.	12-12-2002	
	**	WO	02/101095	A1	U.S. Genomics, Inc.	12-19-2002	
	**	WO	02/101353	A2	U.S. Genomics, Inc.	12-19-2002	
	**	WO	03/025540	A2	U.S. Genomics, Inc.	03-27-2003	
	**	WO	03/076655	A2	Rigler et al.	09-18-2003	Abstract
	**	WO	03/076655	A2	Rigler et al., Caplus AN: 2003:737927	09-18-2003	
	**	WO	03/091455	A1	U.S. Genomics, Inc.	11-06-2003	

FORM PTO-1449/A and B (Modified)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/773,084		ATTY. DOCKET NO.: C0989.70049US01	
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				APPLICANT: Zhao et al.			
				GROUP ART UNIT: 1634		EXAMINER: Ethan C. Whisenant	
Sheet	2	of	2				

	**	WO	03/100101	A1	U.S. Genomics, Inc.	12-04-2003	
	**	WO	2004/007692	A2	U.S. Genomics, Inc.	01-22-2004	
	**	WO	2004/048514	A2	U.S. Genomics, Inc.	06-10-2004	
	**	WO	2004/066185	A1	U.S. Genomics, Inc.	08-05-2004	
	**	WO	2004/091795	A2	U.S. Genomics, Inc.	10-28-2004	
	**	WO	2005/012575	A1	U.S. Genomics, Inc.	02-10-2005	
	**	WO	2005/017205	A2	U.S. Genomics, Inc.	02-24-2005	
	**	WO	2005/022162	A1	U.S. Genomics, Inc.	03-10-2005	

#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
	**	CHEN et al., A homogeneous, ligase-mediated DNA diagnostic test. Genome Res. 1998 May;8(5):549-56.		
	**	LEE et al., Allelic discrimination by nick-translation PCR with fluorogenic probes. Nucleic Acids Res. 1993 Aug 11;21(16):3761-6.		
	**	MARRAS et al., Multiplex detection of single-nucleotide variations using molecular beacons. Genet Anal. 1999 Feb;14(5-6):151-6.		
	**	MATTHEWS et al., Analytical strategies for the use of DNA probes. Anal Biochem. 1988 Feb 15;169(1):1-25.		
	**	SOKOL et al., Real time detection of DNA.RNA hybridization in living cells. Proc Natl Acad Sci U S A. 1998 Sep 29;95(20):11538-43.		
	**	WOODAGE et al., The APC1307K allele and cancer risk in a community-based study of Ashkenazi Jews. Nat Genet. 1998 Sep;20(1):62-5.		

EXAMINER:	DATE CONSIDERED:
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 10/448,264, filed May 28, 2003, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]